

State of South Dakota

SEVENTY-THIRD SESSION LEGISLATIVE ASSEMBLY, 1998

841B0516

HOUSE BILL NO. 1099

Introduced by: Representatives Hunt, Barker, de Hueck, Fitzgerald, Gleason, Hagg, Konold,
and Wick and Senators Whiting, Aker, Flowers, and Lawler

1 FOR AN ACT ENTITLED, An Act to prohibit a minor from purchasing, possessing, receiving,
2 or consuming tobacco products or from attempting to purchase or receive tobacco products.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-46-2 be amended to read as follows:

5 34-46-2. The following actions are unlawful:

- 6 (1) To knowingly sell or distribute a tobacco product to a person under the age of
7 eighteen;
- 8 (2) To purchase or attempt to purchase ~~or~~ to receive or attempt to receive, to possess,
9 or to consume a tobacco product if a person is under the age of eighteen;
- 10 (3) To sell cigarettes other than in an unopened package originating with the
11 manufacturer and depicting the warning labels required by federal law;
- 12 (4) To sell tobacco products through a vending machine located in a place other than the
13 following:
- 14 (a) A factory, business, office, or other place not open to the general public;
- 15 (b) A place that is open to the public but to which persons under the age of

1 eighteen are denied access; or

2 (c) An establishment licensed under chapter 35-4 to sell alcoholic beverages for
3 consumption on the premises where sold;

4 (5) To distribute tobacco product samples in or on a public street, sidewalk, or park that
5 is within five hundred feet of a playground, school, or other facility when the facility
6 is being used primarily by persons under the age of eighteen.

7 Section 2. That § 26-10-23 be repealed.

8 ~~26-10-23. Purchase, possession or consumption of tobacco by minor prohibited -- Petty~~
9 ~~offense. It is a petty offense for any person under the age of eighteen to purchase, attempt to~~
10 ~~purchase, possess or consume tobacco, cigarettes or cigars unless it is done in the immediate~~
11 ~~presence of a parent, guardian or spouse over the age of eighteen of such minor, or to~~
12 ~~misrepresent his age for the purpose of purchasing such tobacco, cigarettes or cigars from any~~
13 ~~person.~~